

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HELENA AGRI-ENTERPRISES, LLC,

Plaintiff,

v.

CONEWAGO ORCHARDS, INC.,

Defendant.

1:18-cv-14810-NLH-AMD

ORDER

APPEARANCES:

DANIEL JOSEPH DEFIGLIO
ARCHER & GREINER PC
ONE CENTENNIAL SQUARE
HADDONFIELD, NJ 08033

On behalf of Plaintiff

HILLMAN, District Judge

WHEREAS, on October 10, 2018, Plaintiff filed this action to collect payment from Defendant for agricultural products provided to Defendant by Plaintiff¹; and

WHEREAS, pending before Court is Plaintiff's motion for the entry of default judgment pursuant to Federal Civil Procedure Rule 55; and

WHEREAS, Rule 55 provides that obtaining a default judgment is a two-step process: first, when a defendant has failed to

¹ Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. § 1332(a)(1). Plaintiff is a citizen of New York with a business location in New Jersey, and Defendant is a citizen of Pennsylvania. (Docket No. 5 at 2.)

plead or otherwise respond, a plaintiff may request the entry of default by the Clerk of the Court, Fed. R. Civ. P. 55(a), and second, after the Clerk has entered the party's default, a plaintiff may then obtain a judgment by default by either (1) asking the Clerk to enter judgment, if the judgment is a sum certain, or (2) applying to the Court, Fed. R. Civ. P. 55(b); and

WHEREAS, Plaintiff requested the entry of default by the Clerk, and the Clerk entered default on December 28, 2018; and

WHEREAS, Plaintiff filed a motion for default judgment pursuant to Rule 55(b)(2); but

WHEREAS, Plaintiff is seeking a sum certain for payment of an outstanding invoice for agricultural goods²;

Therefore,

IT IS HEREBY on this 3rd day of June, 2019

ORDERED that the Clerk of the Court is directed to enter the judgment of default, pursuant to Fed. R. Civ. P. 55(b)(1), in favor of Plaintiff Helena Agri-Enterprises, LLC and against Defendant Conewago Orchards, Inc. in the sum of \$97,813.54; and it is further

ORDERED that Plaintiff's motion for default judgment [9]

² Plaintiff recognizes that it is seeking a sum certain, noting that "[p]ursuant to L. Civ. R. 7.1, no brief is required as Defendant Conewago has failed to respond and the amount due is a sum certain of \$97,813.54." (Docket No. 9.)

be, and the same hereby is, DENIED AS MOOT.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.